

United States Court of Appeals
For the Eighth Circuit

No. 13-3646

United States of America

Plaintiff - Appellee

v.

Haldon Gilkes

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Little Rock

Submitted: January 20, 2015

Filed: February 19, 2015

[Unpublished]

Before SMITH, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Haldon Gilkes is serving a five-year prison term after pleading guilty to a drug-conspiracy offense in violation of 21 U.S.C. §§ 841(a)(1), 846. He timely filed a 28 U.S.C. § 2255 motion, and the district court, without an evidentiary hearing, entered an order summarily denying his motion. This court granted Gilkes a certificate of

appealability regarding his claim that his counsel was ineffective in failing to seek safety-valve relief under 18 U.S.C. § 3553(f).

On appeal, Gilkes asserts, among other things, that he met all of the requirements to be eligible for safety-valve relief, and consequently he should have received a lower sentence. In response, the government concedes that Gilkes met four of the five criteria for safety-valve relief, but contends that the record is unclear as to whether he met the fifth criterion, which involves truthfully providing information to the government concerning the offense or related offenses. Accordingly, the government suggests that a remand to develop the record would be appropriate.

Accordingly, we vacate the district court's order as to this claim only, and we remand the case to the district court for further proceedings consistent with this opinion.
